

JORDAN ETH (BAR NO. 121617)
JEth@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

Attorneys for Defendants
ORACLE CORPORATION, SAFRA A. CATZ, MARK HURD, LAWRENCE J. ELLISON, THOMAS KURIAN, KEN BOND, and STEVE MIRANDA

DORIAN DALEY (BAR NO. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (BAR NO. 95527)
deborah.miller@oracle.com
JAMES C. MAROULIS (BAR NO. 208316)
jim.maroulis@oracle.com
ORACLE CORPORATION
500 Oracle Parkway
Redwood Shores, California 94065
Telephone: 650.506.5200
Facsimile: 650.506.7114

Attorneys for Defendant
ORACLE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**CITY OF SUNRISE FIREFIGHTERS'
PENSION FUND, on behalf of themselves
and all others similarly situated.**

Plaintiff.

v.

ORACLE CORPORATION, SAFRA A. CATZ, MARK HURD, LAWRENCE J. ELLISON, THOMAS KURIAN, KEN BOND and STEVE MIRANDA

Defendants

Case No.: 5:18-cv-04844-BLF

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DEFENDANTS'
RESPONSE DEADLINE PENDING
APPOINTMENT OF LEAD
PLAINTIFF AND LEAD COUNSEL
AND VACATING INITIAL CASE
MANAGEMENT CONFERENCE**

1 All parties, through their undersigned counsel, hereby submit this Stipulation deferring
2 Defendants' deadlines to respond to the complaint pursuant to Civil Local Rule 6-1(a), and
3 vacating the initial case management conference and related deadlines.

RECITALS

5 WHEREAS, on August 10, 2018, Plaintiff City of Sunrise Firefighters' Pension Fund,
6 individually and on behalf of all others similarly situated, filed a putative class action complaint
7 (the "Complaint") captioned *City of Sunrise Firefighters' Pension Fund v. Oracle Corporation, et*
8 *al.*, No. 5:18-cv-04844, against defendants Oracle Corporation, Safra A. Catz, Mark Hurd,
9 Lawrence J. Ellison, Thomas Kurian, Ken Bond, and Steve Miranda (collectively, "Defendants")
10 alleging violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934
11 ("Exchange Act"), 15 U.S.C. §§ 78j(b) and 78t(a), and Securities and Exchange Commission
12 ("SEC") Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5;

WHEREAS, on August 10, 2018, the Court issued an order setting an initial case management conference for November 8, 2018, and associated deadlines have been scheduled pertaining to the submission of a Rule 26(f) report and joint case management statement, and to certain ADR requirements, in accordance with the Federal Rules of Civil Procedure and the Court's Local Rules;

18 WHEREAS, counsel for Defendants executed waivers of service on behalf of Defendants;

WHEREAS, this action is subject to the procedural requirements of the Private Securities Litigation Reform Act of 1995 (“Reform Act”), 15 U.S.C. § 78u-4, which contemplates the consolidation of similar actions and the appointment of lead plaintiff and lead counsel;

22 WHEREAS, it is anticipated that a consolidated amended complaint will be filed
23 following the Court's appointment of a lead plaintiff and lead counsel;

24 WHEREAS, there is a stay of discovery in this action pursuant to the Reform Act,
25 15 U.S.C. § 78u-4(b)(3)(B);

WHEREAS, counsel for the undersigned parties agree and respectfully submit to the Court that deferring the response deadlines for all Defendants until after the Court appoints a lead plaintiff and lead counsel pursuant to the Reform Act is prudent and will conserve party and

1 judicial resources. The parties further agree that an initial case management conference, attendant
2 deadlines, and related ADR procedures are premature before the Court's appointment of a lead
3 plaintiff and should be deferred until the initial case management conference is reset; and

4 WHEREAS, there have been no requests for an extension of time previously made in this
5 matter.

6 **STIPULATION**

7 NOW, THEREFORE, the undersigned hereby stipulate, subject to Court approval, as
8 follows:

9 1. Defendants shall have no obligation to respond to the Complaint until after the
10 Court appoints a lead plaintiff and lead counsel.

11 2. Counsel for Defendants will meet and confer with counsel for the Court-appointed
12 lead plaintiff within fourteen (14) days after the Court makes its appointment to discuss a
13 schedule for the filing of any consolidated amended complaint and Defendants' responses thereto.

14 3. Defendants and the Court-appointed lead plaintiff shall promptly thereafter submit
15 a proposed schedule, subject to Court order, for the filing of any consolidated complaint and
16 Defendants' response thereto.

17 4. In the interests of judicial economy and preserving the resources of the parties and
18 the Court, the parties agree that the Case Management Conference that is presently scheduled for
19 November 8, 2018, should be vacated and reset after the Court enters a schedule for the filing of
20 any consolidated amended complaint and Defendants' responses thereto. The parties also agree
21 that related deadlines, including ADR requirements, should be deferred until after the initial case
22 management conference is reset.

23 5. No party is waiving any rights, claims, or defenses of any kind except as expressly
24 stated herein.

1 Dated: September 4, 2018

MORRISON & FOERSTER LLP

3 By: s/ Jordan Eth
4 Jordan Eth

5 Attorneys for Defendants
6 ORACLE CORPORATION,
7 SAFRA A. CATZ, MARK HURD,
LAWRENCE J. ELLISON, THOMAS
KURIAN, KEN BOND, and STEVE
MIRANDA

8 Dated: September 4, 2018

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP

10 By: /s/ David R. Stickney

11 David R. Stickney (Bar No. 188574)
12 12481 High Bluff Drive, Suite 300
13 San Diego, CA 92130
14 Tel: (858) 793-0070
Fax: (858) 793-0323
Email: davids@blbglaw.com

15 Attorneys for Plaintiff
16 CITY OF SUNRISE FIREFIGHTERS'
PENSION FUND

1 **[PROPOSED] ORDER**
2

3 Pursuant to stipulation, it is SO ORDERED.
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5 
6 HON. BETH LABSON FREEMAN
7 United States District Judge
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9 Dated: September 7, 2018
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